

EXHIBIT 56

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 NATIONAL COALITION ON BLACK CIVIC
PARTICIPATION, MARY WINTER, GENE
5 STEINBERG, NANCY HART, SARAH WOLFF,
KAREN SLAVEN, KATE KENNEDY, EDA
6 DANIEL, and ANDREA SPERES,

7 Plaintiffs,

8 - against -

Civil Action No.
10-cv-8668

9
10 JACOB WOHL, JACK BURKMAN, J.M.
BURKMAN & ASSOCIATES, LL, PROJECT
11 1599, and JOHN and JANE DOES 1-10,
12 Defendants.

-----x

13
14 Remote deposition
15 April 25, 2022
16 10:08 a.m.

17
18
19 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION of
20 JOHN BURKMAN, s/h/a JACK BURKMAN before Michele
21 Moskowitz, a shorthand reporter and Notary Public
22 of the State of New York.
23
24
25

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ALSO PRESENT:

MIRIAM LI, LEGAL ANALYST

SCOTT GRABEL, OBSERVER

SHAWN BUDD, VIDEOGRAPHER

1 BURKMAN

2 previously entered Exhibit 3.

3 Q. So I'm about to play an audio that we
4 previously entered as Exhibit 3, Plaintiffs'
5 Exhibit 3. We entered this during Mr. Mahanian's
6 deposition.

7 (Audio playing.)

8 Q. Okay, Mr. Burkman, that is audio from
9 a robocall that was sent in August 2020. You've
10 heard that audio before, correct?

11 MR. KLEINMAN: Objection.

12 A. On the advice of counsel, I'm
13 asserting my privilege against self-
14 incrimination.

15 Q. In fact, you and Jacob Wohl recorded
16 that audio, correct?

17 MR. KLEINMAN: Objection.

18 A. On the advice of counsel, I'm
19 asserting my privilege against self-
20 incrimination.

21 Q. And on August 26, 2020, you and Jacob
22 Wohl caused this audio to be transmitted to
23 approximately 5,500 New York phone numbers
24 through a robocalling service, correct?

25 MR. KLEINMAN: Objection.

1 BURKMAN

2 A. Once again, Fifth Amendment.

3 Q. Okay. And on August 26, 2020, you
4 and Jacob Wohl caused the audio -- this audio to
5 be transmitted to phone numbers across the
6 country through a robocalling service, correct?

7 MR. KLEINMAN: Objection.

8 A. Fifth Amendment.

9 Q. Okay. And in the audio we just
10 heard, this woman introduced herself as Tamika
11 Taylor, but that is not her name; is that
12 correct?

13 MR. KLEINMAN: Objection.

14 A. Fifth Amendment.

15 Q. Is that individual your assistant,
16 Kristin Spealman?

17 MR. KLEINMAN: Objection.

18 A. Fifth Amendment.

19 Q. What is -- okay.

20 Now, the reason that the woman used
21 the alias Tamika Taylor is because it's similar
22 to the name of Breonna Taylor's mother, Tamika
23 Palmer, correct?

24 MR. KLEINMAN: Objection.

25 A. Fifth Amendment.

1 BURKMAN

2 asking you for information supporting your First
3 Amendment challenge to this lawsuit and to your
4 criminal prosecution in Michigan, you are taking
5 the Fifth Amendment; is that correct?

6 MR. KLEINMAN: Objection on multiple
7 grounds.

8 A. Fifth Amendment.

9 Q. Now, you admit that you have no
10 information from any source supporting the claim
11 that credit card companies will use vote-by-mail
12 data to collect outstanding debts anywhere in the
13 United States, correct?

14 MR. KLEINMAN: Objection.

15 A. Fifth Amendment.

16 Q. Okay. Now, you will admit that you
17 falsely claimed that police departments would
18 track down old warrants because you believed that
19 would intimidate black voters from voting by
20 mail, correct?

21 MR. KLEINMAN: Objection.

22 A. Fifth Amendment.

23 Q. You falsely claimed that credit card
24 companies would collect outstanding debts because
25 you believed that information would intimidate

1 BURKMAN

2 black voters from voting by mail, correct?

3 MR. KLEINMAN: Objection.

4 A. Fifth Amendment.

5 Q. Okay. You falsely claimed that
6 police departments would track down old warrants
7 because you thought that information would
8 intimidate anybody who's afraid of the police
9 from voting by mail, correct?

10 MR. KLEINMAN: Objection.

11 A. Fifth Amendment.

12 Q. Okay. You falsely claimed that
13 credit card companies would collect outstanding
14 debts because you believed that information would
15 intimidate any voter who is afraid of debt
16 collection practices from voting by mail,
17 correct?

18 MR. KLEINMAN: Objection.

19 A. Fifth Amendment.

20 Q. Okay. Let's go ahead and play the
21 next part.

22 (Audio playing.)

23 Q. Okay. And you'll admit that like
24 almost everything else in this call, it is not
25 true that the CDC ever pushed to use mail-in

1 BURKMAN

2 voting records to track people from mandatory
3 vaccines, correct?

4 MR. KLEINMAN: Objection.

5 A. Fifth Amendment.

6 Q. You'll admit that the CDC never
7 proposed mandatory vaccinations?

8 MR. KLEINMAN: Objection.

9 A. Fifth Amendment.

10 Q. You will admit that under New York
11 law the CDC would be prohibited from using
12 information derived from voting records,
13 registration records for mandatory vaccines,
14 correct?

15 MR. KLEINMAN: Objection.

16 A. Fifth Amendment.

17 Q. Okay. You admit that you have no
18 information from any source supporting the claim
19 that the CDC was pushing to use records from
20 mail-in voting to track people for mandatory
21 vaccines, correct?

22 MR. KLEINMAN: Objection.

23 A. Fifth Amendment.

24 Q. Okay. And you admit that you
25 included this detail because it would intimidate

1 BURKMAN

2 black voters from voting by mail, correct?

3 MR. KLEINMAN: Objection.

4 A. Fifth Amendment.

5 Q. And you will admit that you included
6 this detail because you believed it would
7 intimidate anybody who had vaccine skepticism
8 from voting by mail, correct?

9 MR. KLEINMAN: Objection.

10 A. Fifth Amendment.

11 Q. You admit that you included this
12 detail because it was part of contemporary news
13 that could be used to suppress votes, correct?

14 MR. KLEINMAN: Objection.

15 A. Fifth Amendment.

16 Q. Okay.

17 MR. SAWYER: Let's play the last part
18 of the call.

19 (Audio playing.)

20 Q. Okay. Now, you'll admit that you
21 included the phrase "don't be finessed into
22 giving your private information to the man"
23 because you believed that it was accurate black
24 slang, correct?

25 MR. KLEINMAN: Objection.

1 BURKMAN

2 MR. KLEINMAN: Objection.

3 A. Fifth Amendment.

4 Q. You will admit that the intent of
5 this robocall was to intimidate black voters from
6 voting by mail in the 2020 federal presidential
7 election, correct?

8 MR. KLEINMAN: Objection.

9 A. Fifth Amendment.

10 Q. You will admit that the intent of
11 this robocall was to harass black voters in the
12 exercise of their civil rights to vote in the
13 2020 presidential election, correct?

14 MR. KLEINMAN: Objection.

15 A. Fifth Amendment.

16 Q. Okay. You will -- and this robocall
17 is an example of making shit up, correct?

18 MR. KLEINMAN: Objection.

19 A. Fifth Amendment.

20 Q. This robocall is an example of
21 feeding it up the chain, correct?

22 MR. KLEINMAN: Objection.

23 A. Fifth Amendment.

24 Q. This example -- this robocall is the
25 culmination of your promise in the ACPI

1 BURKMAN

2 we should send the robocall to black
3 neighborhoods in Milwaukee, Detroit,
4 Philadelphia, Charlotte, Richmond, Atlanta, and
5 Cleveland, correct?

6 MR. KLEINMAN: Objection.

7 A. Fifth Amendment.

8 Q. And you were just adding some cities
9 to that list, correct?

10 MR. KLEINMAN: Objection.

11 A. Fifth Amendment.

12 Q. Or perhaps correcting him and saying
13 there's a different set of cities that you wanted
14 to send it to, correct?

15 MR. KLEINMAN: Objection.

16 A. Fifth Amendment.

17 Q. The purpose was to send the robocall
18 to cities that had large black populations,
19 correct?

20 A. Fifth Amendment.

21 Q. And the intention -- your intention
22 was to send the robocall to black neighborhoods
23 in Cleveland, Philadelphia, Minneapolis, Chicago,
24 New York City, and Detroit, correct?

25 MR. KLEINMAN: Objection.

1 BURKMAN

2 A. Fifth Amendment.

3 Q. Okay. Let's go to page 20 of this
4 same exhibit, which is -- now this is NYOAG 9803.
5 This is an e-mail from Jack Burkman to Jacob Wohl
6 dated August 26, 2020, the same day as the
7 robocall, stating, "I love these robocalls.
8 Getting angry black callbacks. Win or lose the
9 black robo was a great JW idea." That's an
10 e-mail that you sent to Jacob Wohl, correct?

11 MR. KLEINMAN: Objection.

12 A. Fifth Amendment.

13 Q. And JW in that e-mail stands for
14 Jacob Wohl, correct?

15 MR. KLEINMAN: Objection.

16 A. Fifth Amendment.

17 Q. Okay. So even -- even if you got bad
18 press for the robocalls, you still saw the
19 robocall operation as a success, correct?

20 MR. KLEINMAN: Objection.

21 A. Fifth Amendment.

22 Q. So win or lose, the black robo was a
23 great Jacob Wohl means that it doesn't matter
24 whether the robocall is true or false, correct?

25 MR. KLEINMAN: Objection.

1 BURKMAN

2 Russian-style misinformation designed to
3 influence the 2020 presidential election just as
4 the Russians influenced the 2016 presidential
5 election, correct?

6 MR. KLEINMAN: Objection.

7 A. Fifth Amendment.

8 Q. And the way that you intended to
9 influence the 2020 presidential election was by
10 intimidating voters from voting, correct?

11 MR. KLEINMAN: Objection.

12 A. Fifth Amendment.

13 Q. Okay. And the robocall operation was
14 an example of making shit up, correct?

15 MR. KLEINMAN: Objection.

16 A. Fifth Amendment.

17 Q. And the robocall operation was an
18 example of feeding it up the chain, correct?

19 MR. KLEINMAN: Objection.

20 A. Fifth Amendment.

21 Q. Okay. And you called the robocall
22 the black robocall because it was targeted at
23 black people, correct?

24 MR. KLEINMAN: Objection.

25 A. Fifth Amendment.

1 BURKMAN

2 you to Mr. Wohl, correct?

3 MR. KLEINMAN: Objection.

4 A. Fifth Amendment, once again.

5 Q. The e-mail reads, "Data all loaded,
6 ready, many ZIP Codes, we have two waves of
7 267,000 calls each. If you could do me one
8 favor, just go in and upload the recording" and
9 then gives the account number and passcode for
10 the account, right?

11 MR. KLEINMAN: Objection.

12 A. Objection. Or excuse me, Fifth
13 Amendment.

14 Q. You had set up the Message
15 Communications account and loaded the data and
16 ZIP Codes, correct?

17 MR. KLEINMAN: Objection.

18 A. Fifth Amendment.

19 Q. The ZIP Codes you chose were those
20 specifically targeted to black neighborhoods,
21 correct?

22 MR. KLEINMAN: Objection.

23 A. Fifth Amendment, once again, Marc.

24 Q. Wohl -- strike that.

25 Mr. Wohl uploaded the recording of

C E R T I F I C A T I O N

STATE OF NEW YORK)

)

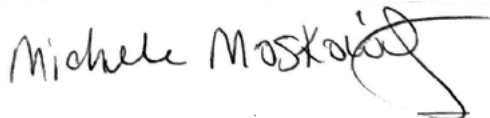
COUNTY OF NEW YORK)

I, MICHELE MOSKOWITZ, a Shorthand Reporter
and Notary Public within and for the State of New
York, do hereby certify:

That JOHN BURKMAN, the witness whose
examination is hereinbefore set forth, was duly
sworn/affirmed by me and that this transcript of
such examination is a true record of the
testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 30th day of April, 2022.



MICHELE MOSKOWITZ